



## **Montana Fish, Wildlife & Parks**

2300 Lake Elmo Drive  
Billings, MT 59105

August 22, 2007

TO: Environmental Quality Council  
Director's Office, Dept. of Environmental Quality  
Montana Fish, Wildlife & Parks\*

Director's Office  
Parks Division  
Fisheries Division  
Wildlife Division  
Regional Supervisors

Lands Section  
Design & Construction  
Legal Unit  
Federal Aid Coordinator (when P-R, D-J project)

Mike Volesky, Governor's Office \*  
Sarah Elliott, Press Agent, Governor's Office\*  
Maureen Theisen, Governor's Office\*  
Montana Historical Society, State Preservation Office  
Janet Ellis, Montana Audubon Council  
Montana Wildlife Federation  
Montana State Library  
George Ochenski  
Montana Environmental Information Center  
Wayne Hirst, Montana State Parks Foundation  
FWP Commissioner Shane Colton\*  
DNRC Area Manager, Southern Land Office  
Other Local Interested People or Groups

\* (Sent electronically)

Ladies and Gentlemen:

Attached for your review is a draft Environmental Assessment for acquiring a new 5-acre Fishing Access Site (FAS) on the Clark's Fork of the Yellowstone River near Belfry, Montana. No improvement projects are included as part of this project.

Any questions should be directed to Jim Darling (247-2961) or Doug Habermann (247-2954). Written comments should be addressed to the undersigned at by September 24, 2007.

Sincerely,

Gary Hammond  
Regional Supervisor  
ghammond@mt.gov

# **Draft Environmental Assessment**



## **Proposed Weymiller Fishing Access Site On the Clark's Fork of the Yellowstone River Acquisition Project**

September 2007

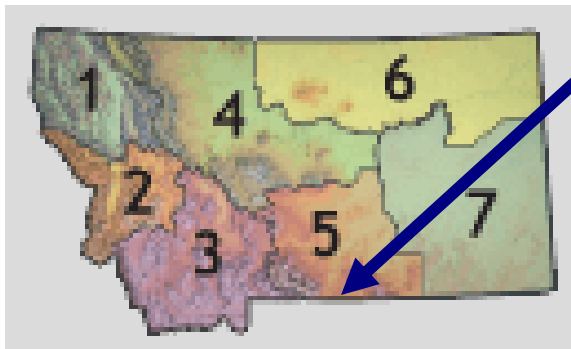


***Montana Fish,  
Wildlife & Parks***

**Proposed Weymiller Fishing Access Site on the  
Clark's Fork of the Yellowstone River Acquisition Project  
Draft Environmental Assessment  
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

**PART I. PROPOSED ACTION DESCRIPTION**

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes to acquire a new Fishing Access Site (FAS) on the Clark's Fork of the Yellowstone River near the town of Belfry, MT. No improvement projects are included as part of this project.
2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs Montana Fish, Wildlife & Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature established an earmarked funding account to ensure that this fishing access site function would be established.
3. **Name of project:** Proposed Weymiller Fishing Access Site on the Clark's Fork of the Yellowstone River Acquisition Project.
4. **Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife, & Parks is the project sponsor.
5. **Construction Timeline:**  
Estimated Construction/Commencement Date: Fall 2007  
Estimated Completion Date: Fall 2007  
Current Status of Project Design (% complete): 50
6. **Location affected by proposed action (county, range and township):**  
The proposed new FAS would be located within FWP Region 5 and located in the NW1/4 of Section 29, T09S, R22E, in Carbon County.



**Figure 1.** State map showing approximate location of proposed FAS.

**7. Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>3</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>0</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Rangeland	<u>2</u>
		Other	<u>0</u>

**8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

(a) **Permits:** permits will be filed at least 2 months prior to project start.

<u>Agency Name</u>	<u>Permit</u>
N/A	

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Calvin Weymiller estate	Donation

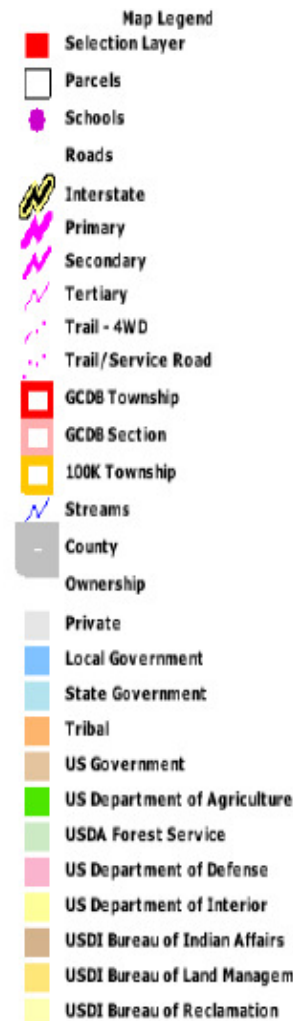
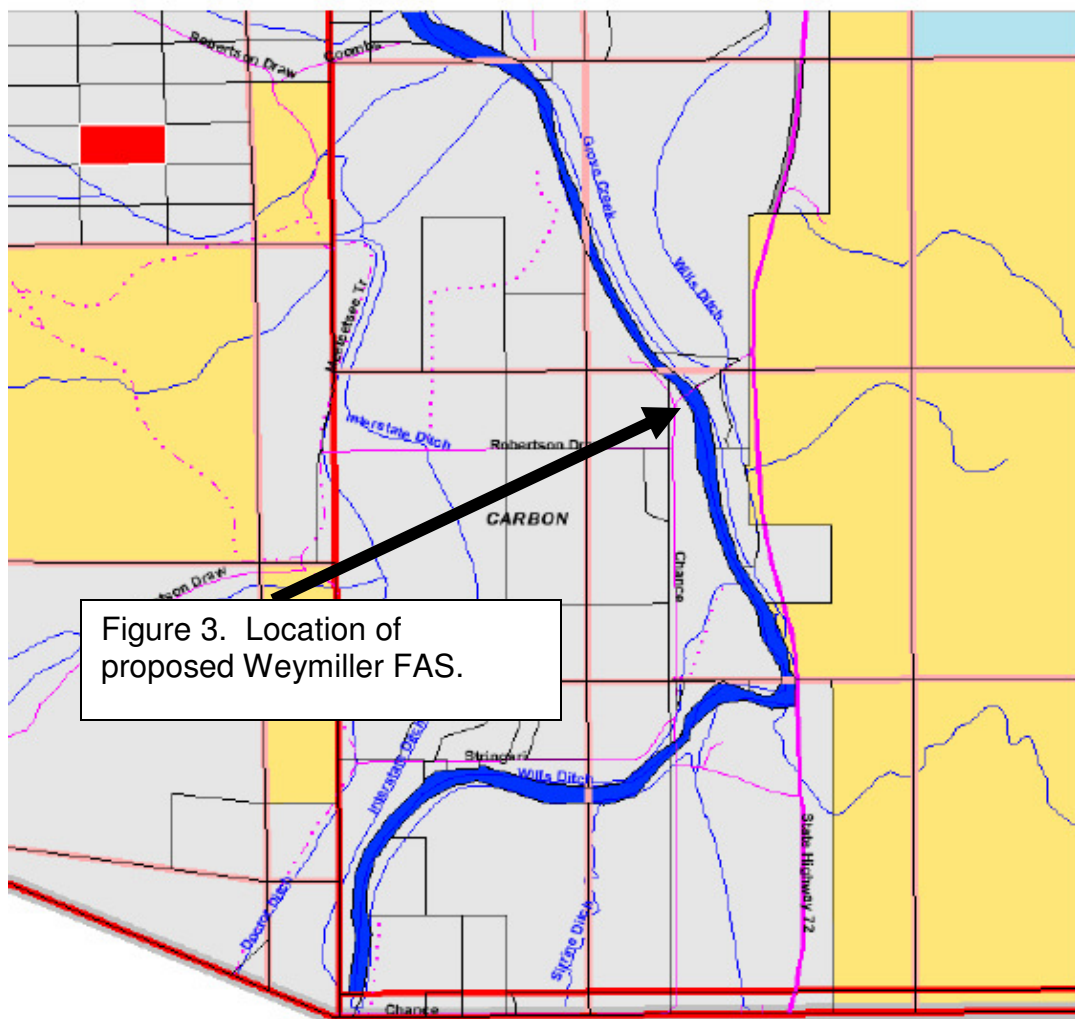
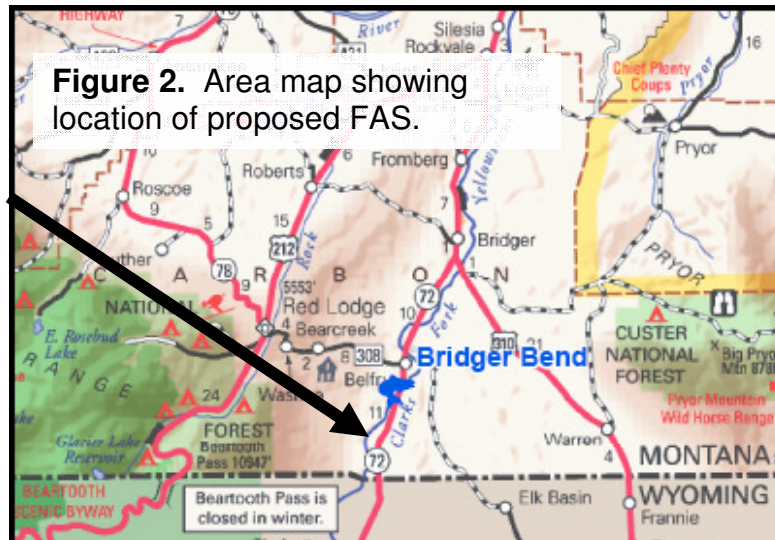
(c) **Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
N/A	

**8. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:**

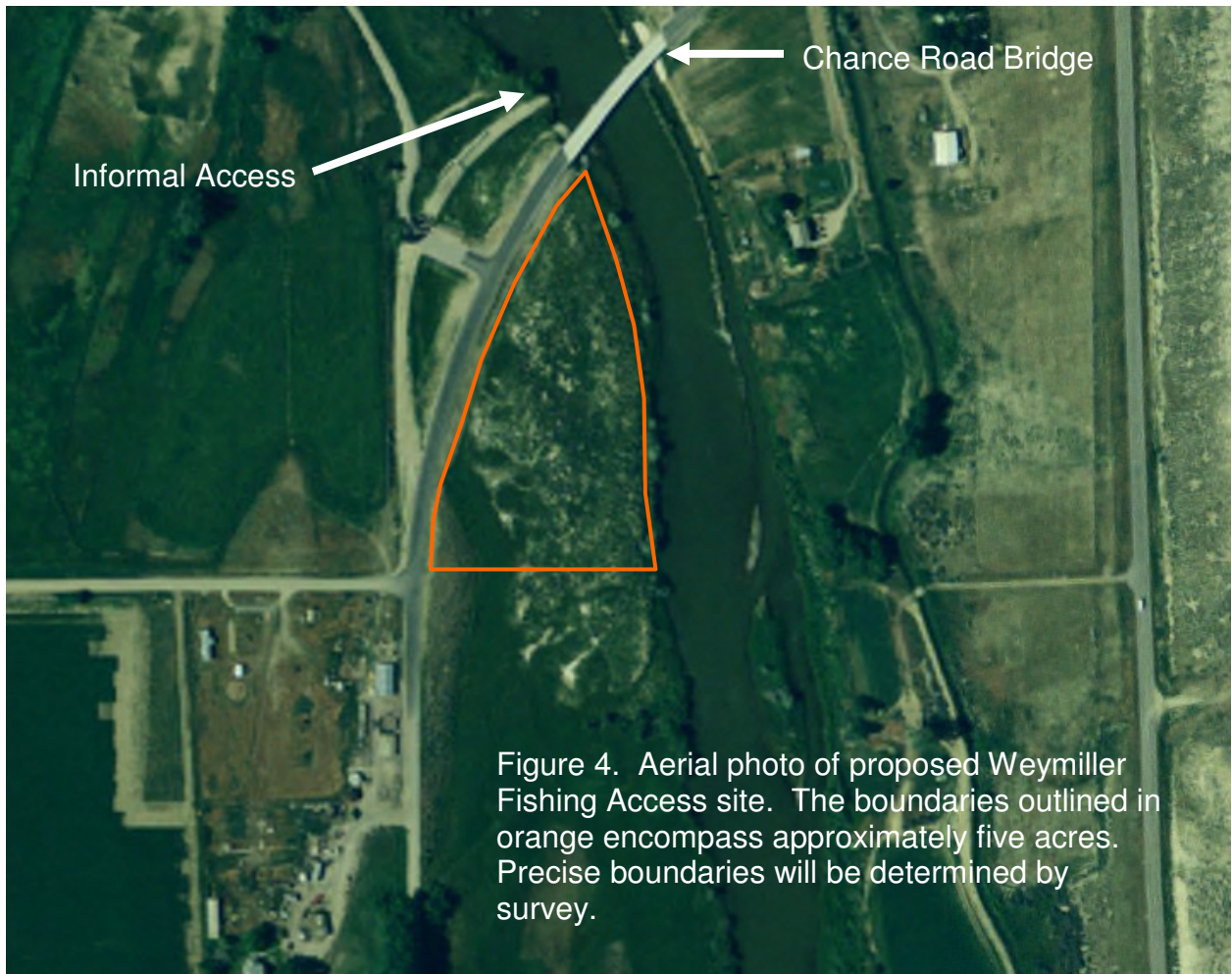
The proposed Weymiller Fishing Access Site is located on the Clark's Fork of the Yellowstone River about 45 miles south of Laurel and 2 miles north of the Wyoming line (see Figs. 2, 3 and 4). The property is proposed to be granted to the FWP, free of charge, as a bequest from the estate of Calvin Weymiller. Mr. Weymiller, a long-time Montana resident who died in 2005, left a will directing the five acres along the river be conveyed to the Department "as a fishing access for the benefit of the general public".

The upper Clark's Fork in the vicinity of the proposed Weymiller FAS is a good trout fishery which receives a moderate level of angling use from Montana and Wyoming anglers. It is expected that increased access would attract more anglers and floaters to the area, and possibly lead to increased use at Bridger Bend FAS (10 river miles downstream) by floating anglers.



Java Geodatabase Mapping Program - 2000





The Weymiller property is mainly level on the upper bench (figure 5) and then gently slopes to the river (figure 6), making it an ideal site for any future improvements such as a boat ramp or parking. The grassy bank alongside the river is especially pleasant, and would make a nice spot for wade fishing, picnicking, or simply relaxing by the water. The vegetation on the property is dominated by cedar, sagebrush, and grasses, with some willows by the riverbank. Weeds are numerous on the road ROW and bridge abutment adjacent to the property, but appear to be at low levels within the parcel itself.

An informal access point currently exists on the other side of the Chance Road Bridge just downstream from the Weymiller property, but no clear legal status exists for access and the bank is extremely steep at this location. The proposed action would provide permanent public access to the river at this location, which would enhance recreational values in south-central Montana and Carbon County in particular. The Clark's Fork of the Yellowstone currently only has two FASs within Montana, and FWP fisheries biologists confirm that the fishery could support more pressure. The proposed action represents an excellent opportunity for FWP to serve the public by establishing an additional FAS on the Clark's Fork with little expense and concurrently honoring the memory of a longtime Montana resident.





Figure 5. Upper bench of the Weymiller property.



Figure 6. Gradually sloped , grassy riverbank on the Weymiller property.

## **PART II. ENVIRONMENTAL REVIEW**

- 1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:**

### **Alternative A: No Action**

If no action is taken, FWP would not accept the bequest of the 5-acre Weymiller property and a new FAS would not be established at this location. The angling public would likely continue to be able to access the river from the site of the old bridge approach (just upstream from the Weymiller parcel and the Chance Road Bridge), but the bank is very steep in this location, and does not have boat launching facilities. Public access provided by FWP to the Clark's Fork of the Yellowstone River would continue to be limited to only two locations; Bridger FAS at river mile 42, and Bridger Bend FAS at river mile 61.

### **Alternative B: Proposed Action**

In the preferred Alternative, FWP would accept the donation of a 5-acre parcel of land on the Clark's Fork of the Yellowstone River from the Calvin Weymiller estate for inclusion in the Fishing Access Site program. FWP ownership of an FAS at this location (river mile 71) would meet significant angler needs, as this section of the river hosts some of the Clark's Forks' best trout fishing waters and the next closest FAS is 10 river miles downstream. The cost of the acquisition of the property would be limited to fees for the survey and boundary fencing, and thus would be an excellent opportunity for FWP to establish another FAS in this area at very little cost.

### **Alternative B: Proposed Action**

In Alternative C, FWP would not accept the donation of the Weymiller property for the establishment of an FAS, and instead would look elsewhere in the area for an alternative location. However, no alternative locations with a willing seller are known at this time. In addition, there are very few streamside parcels of land in this area that have road access and favorable topography. The cost of acquisition, even if found, would likely be substantial.

- 2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

There are no formal stipulations of mitigation or other controls associated with the proposed action. This action does not involve any permits or granting of a license on which stipulations would be placed.



## PART III. ENVIRONMENTAL REVIEW CHECKLIST

### 1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

#### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):**

- 1a. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <b>AIR</b>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)						
f. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):**

2. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. <b><u>WATER</u></b>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)						
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)						
n. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):**

3. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. <b>VEGETATION</b>  Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				4a.
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4e.
e. Establishment or spread of noxious weeds?		X				
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):4a.**

- 4a. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.
- 4c. There are no documented observations of any threatened, endangered, or sensitive plant species within the proposed project site or the proposed FAS area.
- 4e. If the property comes under ownership of FWP, the site would be managed for weeds under the Region 5 Weed Management plan, which includes biological, chemical, and mechanical control methods.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



<b>** 5. <u>FISH/WILDLIFE</u></b>  <b>Will the proposed action result in:</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?						5b.
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			5g.
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)						
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)						
j. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):**

- 5b. The proposed establishment of a Fishing Access Site at this location would increase the fishing pressure on the trout fishery in this stretch of the Clark's Fork of the Yellowstone River. However, as the fishery is healthy and fishing pressure is relatively low in this area, FWP does not anticipate any problems with the proposed action.
- 5c. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.
- 5f. A search of the Montana Natural Heritage Database produced two animal species of concern reports within the larger Weymiller property area and one inferred extent report. Please see Appendix 2 for a complete discussion of species of concern.
- 5g. The transfer of the property from private to public ownership might result in an increase in conditions that stress wildlife populations. Active management of the site by FWP FAS managers and wardens would help to ensure continued adherence to fish and game laws and regulations.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):**

- 6a. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property that would involve construction or heavy machinery. Until such time as improvements are made to the site, visitation would be low and it is unlikely that any residences would be affected.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. <u>LAND USE</u>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?			X			7d.
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):**

- 7d. Until such time as improvements are made to the site, visitation would be very low and it is unlikely that any residences would be affected by the proposed acquisition. However, if improvements are made and visitation increases, it is possible that the residence directly to the east of the Weymiller property could be impacted by the FAS.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <b>RISK/HEALTH HAZARDS</b>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)						
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):**

- 8a. New management of the site by FWP would initiate use of herbicides to control noxious weeds under its Region Five Weed Management Plan. An accidental spill or release of herbicide at this location is unlikely but possible.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



9. <b>COMMUNITY IMPACT</b>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):**

9. It is unlikely that the proposed action would have any discernable impact on the surrounding community.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>  Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):**

- 10a. The proposed action would not have an effect upon or result in a need for new or altered governmental services.
- 10e. The cost of the project is estimated to be approximately \$3,500 for survey and boundary fencing. Funding would come from FWP's Capitol Fund. There would be no cost for the acquisition of the property itself.
- 10f. Yearly maintenance costs for the new FAS are estimated to be minimal in its current undeveloped state, perhaps \$200/yr. If the site is developed in the future, maintenance costs would likely be approximately \$1000/yr.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

<b>** 11. AESTHETICS/RECREATION</b>  <b>Will the proposed action result in:</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11c.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)						
e. Other:						

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):**

11c. Please see Attachment A for Tourism Report (pending).

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)						
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):**

12. The proposed action involves only an acquisition of property and does not include development or physical alteration of the property.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

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## SIGNIFICANCE CRITERIA

13. <b>SUMMARY EVALUATION OF SIGNIFICANCE</b>  Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a.
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)						
g. ****For P-R/D-J, list any federal or state permits required.						

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):**

13a. This EA found no significant impacts to the human or physical environment from the proposed action.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

## **PART IV. NARRATIVE EVALUATION AND COMMENT**

This EA did not reveal any significant negative impacts to the physical and human environment stemming from the proposed action. No threatened or endangered species would be affected, and no unique or physical features would be disturbed. The proposed project would increase access to the Clark's Fork of the Yellowstone in an area with relatively little river access, and the fishery in this reach could support an increase in fishing pressure. The proposed action represents an excellent opportunity for the Department to acquire property in an underserved area at very little cost. Also, by accepting the property, FWP would honor the wishes of Calvin Weymiller, deceased; who stipulated in his will that 5 acres of his land should be conveyed to the Department "as a fishing access for the benefit of the general public".

## **PART V. PUBLIC PARTICIPATION**

- 1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

The public will be notified by way of a statewide press release, legal notices in the *Helena Independent Record* and by public notice on the Fish, Wildlife & Parks web page:

<http://fwp.mt.gov/publicnotices>. Individual notices will be sent to the region's standard EA distribution list and to those that have requested one.

### **Duration of comment period:**

A 30-day comment period is proposed. This level of public involvement is appropriate for this scale of project.

## **PART VI. EA PREPARATION**

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur, growth-inducing or growth inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, and precedent that would be set as a result of the proposed action that

would commit FWP to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review and an EIS is not required.

**2. Name, title, address and phone number of the person(s) responsible for preparing the EA:**

Allan Kuser  
FAS Coordinator  
1420 East Sixth Ave  
Helena, MT 59601  
(406)444-7885

Linnaea Schroeer-Smith  
Independent Contractor  
1027 9<sup>th</sup> Ave  
Helena, MT 59601  
(406)495-9620

**3. List of agencies consulted during preparation of the EA:**

Montana Dept of Transportation  
Montana Fish, Wildlife & Parks  
    Parks Division  
    Wildlife Division  
    Fisheries Division  
    Design & Construction Bureau  
Montana Natural Heritage Program – Natural Resources Information  
System (NRIS)

**APPENDIX 1**  
**HB495**  
**PROJECT QUALIFICATION CHECKLIST**

**Date** July 29, 2007

**Person Reviewing** Linnaea Schroeer-Smith

**Project Location:** Proposed FAS on the Clark's Fork of the Yellowstone River, located in the NW1/4 of Section 29, T09S, R22E, in Carbon County.

**Description of Proposed Work:** Montana Fish, Wildlife & Parks (FWP) proposes to accept the bequest of a 5-acre parcel along the Clark's Fork of the Yellowstone for inclusion in the state Fishing Access Site program. This analysis concerns only the acquisition and does not examine any potential improvements that may occur in the future. A separate Environmental Assessment would be drafted at such time.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check ☐ all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**  
Comments: None
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**  
Comments: None
- ☐ **C. Any excavation of 20 c.y. or greater?**  
Comments: None
- ☐ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**  
Comments: None.
- ☐ **E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?**  
Comments: None.
- ☐ **F. Any new construction into lakes, reservoirs, or streams?**  
Comments: None

- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**  
Comments: None.
- ☐ **H. Any new above ground utility lines?**  
Comments: None
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**  
Comments: None.
- ☐ **J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**  
Comments: None

**If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.**

## APPENDIX 2

### Sensitive Plants and Animals in the proposed FAS area.

A search of the Montana Natural Heritage Program (MNHP) element occurrence database ([nhp.nris.state.mt.us/eoportal](http://nhp.nris.state.mt.us/eoportal)) indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant or animal species in the proposed project site.

**Montana Species of Concern.** The term "**Species of Concern**" includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

#### ▼ Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (NatureServe 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

#### Status Ranks

Code	Definition
<b>G1</b> <b>S1</b>	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
<b>G2</b> <b>S2</b>	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
<b>G3</b> <b>S3</b>	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
<b>G4</b> <b>S4</b>	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
<b>G5</b> <b>S5</b>	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

### 1. *Cynomys leucurus* (White-tailed Prairie Dog)

State: **S1**  
Global: **G4**

U.S. Fish and Wildlife Service:  
U.S. Forest Service: **Sensitive**  
U.S. Bureau of Land Management: **Sensitive**

Colonies of this species used to exist in areas to the west and northwest of the Weymiller property, but the land has since changed from rangeland to irrigated cropland and no white-tailed prairie dogs have been observed in this area since 1995.

### 2. *Cynomys ludovicianus* (Black-tailed Prairie Dog)

State: **S3**  
Global: **G4**

U.S. Fish and Wildlife Service:  
U.S. Forest Service: **Sensitive**  
U.S. Bureau of Land Management: **Sensitive**

The element occurrence of this species occurs approximately ½ mile to the north of the Weymiller property. No other data exists for this species at this location, but it is unlikely that the proposed action would have any impact on this population.

### 3. *Centrocercus urophasianus* (Greater Sage-grouse)

State: **S3**  
Global: **G4**

U.S. Fish and Wildlife Service:  
U.S. Forest Service: **Sensitive**  
U.S. Bureau of Land Management: **Sensitive**

Several inferred extent maps have been generated for this sensitive species in the Weymiller property area. These maps show areas that can be inferred as probable occupied habitat based on direct observation of a species location and what is known about the foraging area or home range size of the species.

*Interested parties may contact MFWP Region 5 offices for a detailed map of sensitive species Element Occurrences (EOs).*

Information courtesy of Montana Natural Heritage Program.



## **Attachments**

Attachment A: Tourism Report-pending